

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

MICHAEL McNULTY,

Plaintiff,

vs.

AGRONOMY SCIENCES LLC d/b/a  
HEFTY SEED COMPANY; and  
DOES 1-10,

Defendants.

CV 20-07-GF-JTJ

**ORDER**

The Court conducted a hearing on Plaintiff's motion to exclude Defendant's damage expert testimony on March 24, 2021. For the reasons stated in open court,

IT IS HEREBY ORDERED:

1. Plaintiff's Motion to Exclude Defendant's Damage Expert Testimony (Doc. 40) is DENIED.

2. Defendant's expert witness Katherine S. Dunlap must file an amended rebuttal report on or before April 2, 2021. Ms. Dunlap's amended report must omit the opinions of Dr. Manganaro stated on page 9 of her original rebuttal report. The spreadsheet attached to Ms. Dunlap's original rebuttal report must be modified to reflect that she is no longer relying on Dr. Manganaro's recommendations that

certain medical care and procedures should be eliminated from Plaintiff's life care plan.

3. Plaintiff may submit a sur-rebuttal report on or before April 16, 2021. The sur-rebuttal report may address Dr. Manganaro's opinions regarding Plaintiff's life expectancy, and it may address Ms. Dunlap's opinions regarding Plaintiff's life care plan.

DATED this 25th day of March, 2021.



John Johnston  
United States Magistrate Judge